

Elections Division Transition Document

When you take office in January you will be the fourth Secretary we have had in 4 years and one month, and the fifth Secretary in the past six years. During the last four years we have also had four Deputy Secretaries and three Information Services (ISD) directors. As a result of this constant change in the executive team there is a lack of strategic vision and plans for the agency, and staff are not focused due to that lack of vision and leadership. I am not stating this to attach blame because Secretary Richardson's cancer was no one's fault, but simply to recognize that that lack of vision and leadership over the past few years has really set the agency back.

The Elections Division has 16 full time employees that administer all aspects of statewide elections and campaign finance. We have a mix of experienced staff and new staff. Over half are going through their first presidential election. We have lost nearly 100 years of experience over the past three years but have been able to provide growth opportunities for staff as part of our succession plan.

The Election Division's relationship with county election officials has never been stronger and I am confident they have shared that with you. There exist relationships of trust and partnership that are essential to successful elections in any state. We have those same relationships with our local USPS partners. They go above and beyond to make sure that ballots receive priority treatment and work with us to make ways for as many ballots as possible to be accepted by the deadline.

Our relationship with federal partners also has never been stronger. We have great support and partnership with the Cybersecurity and Infrastructure Security Agency (CISA) which is part of the Department of Homeland Security both through our local representatives and from headquarters in DC. CISA has done onsite security assessments in each of our 36 counties and has also helped us with tabletop exercises and COVID planning. Our partnership with them has really helped to improve the security understanding and posture of our counties.

We also have enjoyed a productive partnership with the FBI. They have worked with us on voter education and battling mis/disinformation. They partnered with us for our Cyber Summit back in February. Most importantly they were a great resource when Tillamook County was taken down with ransomware earlier this year. We have participated in tabletop exercises with them and received classified briefings at their secure facility.

In Oregon we created a model for the rest of the country through our TIGER (Threat Information Gathering and Election Resources) team. It is a dedicated team to help secure our elections that consists of members of the Elections Division, Department of Homeland Security, Cybersecurity Infrastructure Security Agency, Federal Bureau of Investigations, Oregon National Guard, Oregon Office of Emergency Management, Oregon Titan Fusion Center, US Postal Service Inspector General, and the Cyber Security Services section of the Oregon Chief Information Security Officer's office.

Even with all these successful partnerships, the Elections Division struggles to get support from the agency support divisions. There are major technology challenges in elections. We have a lot of technical debt, meaning systems that are old and out of date versions, some of which are no longer supported. Some of our election systems are running on Windows Server 2008. End-of-life mainstream support from Microsoft ended back on January 13, 2015, and all support ended on January 14, 2020. Our public facing website is single threaded through one power supply on the capitol mall and one internet connection. There is no redundancy or resiliency or plan to provide either. None of this is new. It has been known for years but not addressed.

There are also a number of major projects that have been on the table for a long time but have not been addressed. A sampling of requested projects is listed below.

Existing requested improvements/fixes:

- Multifactor authentication for security of all OCVR users. (Requested 2/2017)
- Resiliency for public facing election systems. (Requested 2/2018)
- Ballot tracking subscription service. (Requested 2/2018)
- Voter registration change subscription service. (Requested 2/2018)
- Adding “accepted” to the list of statuses in the MyVote tracking screen.
- OCVR system auditing tool.
- OCVR replacement.
- ORESTAR replacement.
- Integrating Electronic Registration Information Center (ERIC) information automatically into OCVR.
- Create an API (application program interface) between the ORESTAR Campaign Finance database and Data.gov to increase transparency without risking failure to the application.
- Real time data transfers with DMV for online registration and OMV.
- There is a list of 56 known bugs or problems with election systems that was provided to the Information Services Director in January.

Of the 56 known bugs or problems, eight have been completed, eight have failed leaving 40 not done. Many of these projects have been talked about and/or worked on for years but never finished. Most of the projects that have been completed in the past couple of years have had to be undone because there were changes made that resulted in breaking other things. Elections Division staff has a lack of confidence in IT services and is frustrated that whenever a project is undertaken it often makes things worse.

In 2018 the agency requested legislative approval to spend \$3,250,453 of 2018 federal Help America Vote Act (HAVA) funds on seven projects (Exhibit A). Only one of those seven projects have been completed over two and a half years later. The one thing that was done was two permanent IT Security positions were hired. I am unaware of anything those two security positions have done to help elections. They have not provided any reports, even when I have requested them from the IT Director and Chief of Staff. When alerts come in from

federal partners saying vulnerabilities have been identified in our systems, I get no reports or engagement from the agency security team. I have to find out about attacks on our systems from national briefings or partners instead of from my agency. I received my first election security update of the election from the agency at 7:52pm on election night. It was based on an alert that was sent out identifying malicious IP addresses that should be blocked. The scary part is other alerts with IP addresses and needed patches and other vulnerabilities had been coming out pretty much daily through October, and sometimes multiple alerts during a day, with some specific to Oregon. To my knowledge nothing was done and it does not appear that they were even being monitored.

OCVR is outdated and unable to accommodate many modern tools that we need to add for our operations and those of the 36 counties. OCVR was built back in 2004. It is the central voter registration database for all voters in the state and is a vital part of each county's election administration. The counties rely on this system to administer their elections and they were promised that it would be kept up to current technology standards when they gave up their own databases 16 years ago. OCVR uses old technology that requires transactions to be done in batches instead of real time. When files are transferred, say from DMV for online registration, a batch is sent over every night. People who register online often go to check that their registration was received immediately thereafter only to find that none of the changes show on the screen. With batch processing it can take one or more days for the information to post. With the receipt of federal HAVA funds earlier this year we worked with the counties and started on a plan to replace OCVR and go out to bid for a modern system. We brought in an external vendor to help us work with the counties to build the requirements for the new system. We had an agreed upon timeline that would have the RFP hit the streets this October and then evaluation and selection in December 2020 with the involvement of the Secretary-elect. This would have allowed us to implement the new system in 2023 because there is too much risk to roll out a new system in an even year because of the statewide elections. The Secretary paused this project without consulting with the county clerks or the election director. It appears that this delay was because the Business Services Division purchasing team could not meet the timeline they recommended even though the Elections Division funded one full FTE for the purchasing team to work exclusively on this RFP. The person did not work exclusively on the RFP which means federal funds were inappropriately used and may need to be returned after an audit. This delay will mean the new system likely will not be able to go live until 2027 because the existing federal funds will have been fully expended keeping the existing outdated system working through the next presidential election cycle. The new system will require legislative approval of funds which never happens quickly, especially when there is an investigation into the misappropriation of federal funds.

ORESTAR is outdated, not user friendly, and most important there is no resiliency. This is our main connection with Oregonians for election services. I know this was one of your campaign themes and something I have been pushing for years. ORESTAR includes campaign finance transactions, online voter registration, candidate filing, voters pamphlet statement submissions, ballot tracking, dropbox locator, accessible ballots and all languages and features of MyVote. It needs to be replaced.

The Elections Division continues to be asked to do more with less. Even during the most contentious election in a generation, and in the middle of a pandemic, we had three positions cut during this summer's budget cuts. Being reliant on general funds, Elections usually takes the biggest hit in the agency when there are across the board budget cuts. This session the legislature rejected our request for a social media/public records position. As expected, we had more public records requests this election cycle than the previous couple combined. With all of the misinformation about elections, especially on social media, we were in need of having someone to monitor that and educate voters and call out misinformation like most other states have. This year, the Elections Division received \$6,029,047 in HAVA funds and \$5,656,663 in CARES Act funds from the federal government but were not authorized by the legislature to spend a penny of the \$11.7 million. All of the CARES Act funds must be returned by 12/31/2020 because they were not used.

Major changes in elections are upon us. Campaign finance limits will likely need to be implemented in 2021. New district lines will need to be setup after redistricting. This is the election administration part or redistricting, not the drawing of the lines that may also end up on your plate. There is the major rollback of automatic voter registration that will take place after HB 2015 takes effect on January 4th. Only those seeking a Real ID compliant license will be automatically registered. We reached out to the Governor about technology solution options at DMV in the spring but have not had any update on what she has been able to do. There will also likely be several legislative proposals in the 2021 session. More bills regarding elections are introduced in the session after a presidential election than any other.

As you know, I can't succeed with the current state of technology and lack of support in the agency. I don't believe anyone will be able to succeed. I believe the best path forward is to prioritize those issues I identified above and to implement them in a nonpartisan manner with the full cooperation of county election officials. There are exciting opportunities in elections; but in order to succeed a major culture shift will be required in the support divisions and a long term strategic plan established.

If there is any assistance I can provide in a transition, please don't hesitate to call my personal cell at [REDACTED].